

**NOT RECOMMENDED FOR PUBLICATION**

No. 23-1850

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Sep 26, 2023

DEBORAH S. HUNT, Clerk

ROY CHRISTOPHER WEST, )  
Petitioner-Appellant, )  
v. ) ON APPEAL FROM THE UNITED  
UNITED STATES OF AMERICA, ) STATES DISTRICT COURT FOR  
Respondent-Appellee. ) THE EASTERN DISTRICT OF  
 ) MICHIGAN  
 )  
 )  
 )

**O R D E R**

Before: BOGGS, GIBBONS, and McKEAGUE, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction.

Roy Christopher West was convicted of conspiring to use interstate commerce facilities in the commission of a murder-for-hire and sentenced to life imprisonment. We affirmed. *United States v. West*, 534 F. App'x 280 (6th Cir. 2013). West then filed a 28 U.S.C. § 2255 motion to vacate his sentence, which the district court dismissed. This court denied a certificate of appealability. *West v. United States*, No. 18-1441 (6th Cir. Sept. 11, 2018). We have also denied West authorization to file a second or successive § 2255 motion to vacate. *In re West*, No. 20-1253 (6th Cir. Oct. 28, 2020).

In July 2023, West filed a motion that purportedly sought relief under Federal Rule of Civil Procedure 60(b) or 28 U.S.C. § 2241, and challenged his “illegal and unconstitutional” life sentence. The district court determined that the motion attacked the merits of his sentence and/or

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conviction and issued an order on August 30, 2023, transferring the action to this court for consideration as an application for leave to file a second or successive 28 U.S.C. § 2255 motion to vacate. *See In re West*, No. 23-1792. West has filed a notice of appeal from the district court's order.

We lack jurisdiction over this appeal. An order transferring a motion to an appellate court for consideration as a motion for authorization to file a second or successive motion to vacate is not appealable. *See Howard v. United States*, 533 F.3d 472, 474 (6th Cir. 2008).

Accordingly, we **DISMISS** this appeal for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk

**United States Court of Appeals for the Sixth Circuit**

**U.S. Mail Notice of Docket Activity**

The following transaction was filed on 09/26/2023.

**Case Name:** Roy West v. USA

**Case Number:** 23-1850

**Docket Text:**

ORDER filed to DISMISS case for lack of jurisdiction. No mandate to issue, decision not for publication. Danny J. Boggs, Circuit Judge; Julia Smith Gibbons, Circuit Judge and David W. McKeague, Circuit Judge.

**The following documents(s) are associated with this transaction:**

Document Description: Order

**Notice will be sent to:**

Mr. Roy Christopher West  
F.C.I. Milan  
P.O. Box 1000  
Milan, MI 48160

**A copy of this notice will be issued to:**

Ms. Jessica Vartanian Currie  
Ms. Kinikia D. Essix